

## **§ 489.1**

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AUTHORITY: 20 U.S.C. 1211–2, unless otherwise noted.

SOURCE: 57 FR 24105, June 5, 1992, unless otherwise noted.

## **Subpart A—General**

### **§ 489.1 What is the Functional Literacy for State and Local Prisoners Program?**

(a) The Secretary makes grants to eligible entities that elect to establish a demonstration or system-wide functional literacy program for adult prisoners, as described § 489.3.

(b) Grants under this part may be used for establishing, improving, expanding, or carrying out a program, and for developing the plans and submitting the reports required by this part.

(Authority: 20 U.S.C. 1211–2(a), (d)(1))

### **§ 489.2 Who is eligible for a grant?**

A State correctional agency, a local correctional agency, a State correctional education agency, or a local correctional education agency is eligible for a grant under this part.

(Authority: 20 U.S.C. 1211–2(f)(1))

### **§ 489.3 What activities may the Secretary fund?**

(a) To qualify for funding under § 489.1, a functional literacy program must—

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(1) To the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

(2) Include—

(i) A requirement that each person incarcerated in the system, prison, jail, or detention center who is not functionally literate, except a person described in paragraph (b) of this section, shall participate in the program until the person—

(A) Achieves functional literacy, or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

(B) Is granted parole;

(C) Completes his or her sentence; or  
(D) Is released pursuant to court order; and

(ii) A prohibition on granting parole to any person described in paragraph (a)(2)(i) of this section who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) Adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the prison, jail, or detention center.

(b) The requirement of paragraph (a)(2)(i) does not apply to a person who—

(1) Is serving a life sentence without possibility of parole;

(2) Is terminally ill; or

(3) Is under a sentence of death.

(Authority: 20 U.S.C. 1211–2(b))

### **§ 489.4 What regulations apply?**

The following regulations apply to the Functional Literacy for State and Local Prisoners Program:

(a) The regulations in this part 489.

(b) The regulations in 34 CFR 460.3.

(Authority: 20 U.S.C. 1211–2)

### **§ 489.5 What definitions apply?**

(a) The definitions in 34 CFR 460.4 apply to this part.

(b) As used in this part—